

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 29, 2002

IN RE:

**PETITION FOR APPROVAL OF THE
INTERCONNECTION AGREEMENT
AND AMENDMENT THERETO
BETWEEN CITIZENS
TELECOMMUNICATIONS COMPANY
OF THE VOLUNTEER STATE, LLC AND
EZ PHONE, INC.**

DOCKET NO. 02-00507

**ORDER APPROVING
INTERCONNECTION AGREEMENT AND AMENDMENT THERETO**

This matter came before Director Deborah Taylor Tate, Director Pat Miller, and Director Ron Jones, of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the negotiated interconnection agreement and amendment thereto (the "Petition") between Citizens Telecommunications Company of the Volunteer State, LLC and EZ Phone, Inc.

The interconnection agreement between the parties was filed on May 20, 2002. An amendment to the agreement was filed on May 20, 2002, advising the Authority that the agreement was for the resale of services and not interconnection, and that Citizens Telecommunications Company of the Volunteer State, LLC's new trade name in Tennessee is Frontier Communications of the Volunteer State.

Based upon the review of the agreement and amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The agreement and amendment are in the public interest as they provide consumers with alternative sources of telecommunications services within the Citizens Telecommunications Company of the Volunteer State, LLC service area.

3) The agreement and amendment are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the agreement and amendment are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

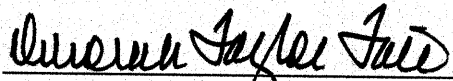
5) No person or entity has sought to intervene in this docket.

6) The agreement and amendment are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

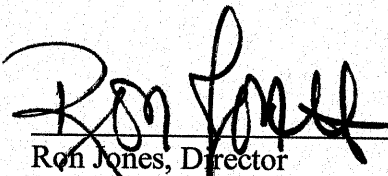
¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the interconnection agreement and amendment thereto negotiated between Citizens Telecommunications Company of the Volunteer State, LLC² and EZ Phone, Inc. are approved and are subject to the review of the Authority as provided herein.


Deborah Taylor Tate, Director


Pat Miller, Director


Ron Jones, Director

² Citizens Telecommunications Company of the Volunteer State, LLC's trade name in Tennessee is Frontier Communications of the Volunteer State.